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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,652

12/27/2005

Tomohiro Oshiyama

05905/HG

3848

1933 7590 10/10/2007
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EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

10/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,652

Applicant(s)

OSHIYAMA ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment filed July 23, 2007. Claims 1, 7 and 8 were amended. Claim 3 was canceled. Claims 9-11 were newly added.

Claims 1, 2, and 4-11 are under consideration.

2. The rejection of claims 1-8 under 35 U.S.C. 102(e) as being anticipated by Matsuura et al. (US 6,750,608) is withdrawn due to the amendment.

3. The rejection of claims 1-7 under 35 U.S.C. 102(e) as being anticipated by Suh et al. (US 2004/0056266 A1) is withdrawn due to the amendment.

4. The rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Suh et al. (US 2004/0056266 A1) in view of Sano et al. (US 6,358,633 B1) is withdrawn due to the amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 2002/0094452 A1). Ueda et al. disclose light emitting devices comprising compounds according to Formula I to VI that specifically include trifluoromethyl substituent groups (see par. 17-35). Inventive compounds 21-29, 39-41, and 43 comprise trifluoromethyl substituent groups (see pages 9-15). Ueda et

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al. discloses the devices may have a structure that has an electron transporting or cathode buffer layer between the light emitting layer and the cathode with regard to the instant "layer adjacent the emission layer" (see par. 64-70). Ueda et al. further teaches the compounds of Formulas (I) to (VI) may be in layers such as the electron transporting layer or the cathode buffer layer (see par. 112). The light emitting layer may comprise any known doping agent suitable for light emission (see par. 77). Ueda et al. teaches in the background information that phosphorescence light emission is a known type of emission for an electro-luminescent device (see par. 3). Ueda et al. is silent with respect to the LUMO and HOMO levels properties of the Formula (I) to (VI) compounds. Given their close similarity to the specific compounds disclosed in applicant's specification, it is reasonable to expect the compounds have similar properties. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

With respect to claims 4 and 5, Ueda et al. disclose any light emission color output may be obtained (par. 116). With respect to claims 6 and 7, Ueda et al. clearly discloses the devices may be part of an illumination device or display device (see par. 151).

Ueda et al. are silent with respect to exemplifying a device having a layer of a Formula I to VI compound having a trimethylfluoro substituent group next to a light emitting layer with a phosphorescent emitting material; however, it would have been obvious to one of ordinary skill in the art to have formed a device having these features and to have produced a functioning device with a predictable result, because Ueda et al. teach all of the required device components.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 2002/0094452 A1) in view of Sano et al. (US 6,358,633 B1). Ueda et al. in relied upon as set forth above. Ueda et al. fail to teach specifically that a display comprising the EL device can be used with a liquid crystal cell. Sano et al. teach in analogous art that an organic electroluminescent device can be utilized as a back light of a liquid crystal display (see col. 1, lines 52-55). It would have been obvious to one of ordinary skill in the art to have incorporated the device taught by Ueda et al. with a liquid crystal display, because one would expect the combination of the device and liquid crystal display to result in a back light display emitting at a low voltage.

Allowable Subject Matter

8. Claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Ueda et al., discussed above, is considered to be the closest prior art. Ueda et al. fail to teach or to render obvious a compound between the light emitting layer and a cathode having the required substituent groups, especially having the required properties.

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Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dawn Garrett
Primary Examiner
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